

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ALFREDO GALDAMEZ, CARLOS MARBAN,
ANGEL CAMPOVERDE, ABRAHAM RUIZ,
TEODORO GALVAN, JOEL FLORES,
ENRIQUE ZAMUDIO and MARIO
VALDIVIDA,

Plaintiffs,

v.

CAPITAL GRILLE HOLDINGS, INC. d/b/a
THE CAPITAL GRILLE, GMRI, INC. and
DARDEN RESTAURANTS, INC.,

Defendants.

Case No. 12 C 660

Judge Feinerman

Magistrate Judge Schenkier

STIPULATION OF VOLUNTARY DISMISSAL

Plaintiffs, Alfredo Galdamez, Carlos Marban, Angel Campoverde, Abraham Ruiz, Teodoro Galvan, Joel Flores, Enrique Zamudio and Mario Valdivida, wish to dismiss the above-captioned putative class/collective action in its entirety, without prejudice, and pursue their claims individually through Darden's Dispute Resolution Process ("DRP"). Defendants agree, and therefore, the parties hereby stipulate to Plaintiffs' voluntary dismissal of this action without prejudice, pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii), with each party to bear its own fees and costs.

The parties further stipulate to tolling of the limitations period for Plaintiffs' FLSA, IMWL, and IWPCA claims, which were raised in the July 16, 2012 Complaint, from January 31, 2012 (the date that their claims were originally brought in this case when it was captioned *Keith Jones, et al. v. Capital Grille Holdings, Inc., et al.*) through January 4, 2013, *only* for Plaintiffs' pursuit of those claims through DRP. Defendants do not stipulate to this tolling if Plaintiffs

pursue those claims in any court. The parties agree that Steps One and Two of the DRP (Open Door and Peer Review) have been satisfied or are waived. The parties stipulate that all other limitations periods and deadlines in the DRP will control. Therefore, Plaintiffs shall have thirty days from today to request mediation if they so choose, and they shall have thirty days after notice that mediation has concluded without resolution, or whatever additional time remains on their federal and state statutes of limitation, to request arbitration.

Dated: January 4, 2013

Respectfully submitted,

/s/Christopher J. Williams

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/s/Amy S. Ramsey

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CERTIFICATE OF SERVICE

Amy S. Ramsey, an attorney, hereby certifies that on January 4, 2013, a copy of *Stipulation of Voluntary Dismissal* was electronically filed with the U.S. District Court, Northern District of Illinois. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic system.

/s/Amy S. Ramsey
Counsel for Defendants